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C O N F I D E N T I A L SECTION 01 OF 04 SARAJEVO 001111

SIPDIS

DEPARTMENT FOR EUR (JONES), EUR/SCE (HYLAND/FOOKS/JUKIC);
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SUBJECT: BOSNIA: AMBASSADOR'S MEETINGS WITH RS PM DODIK AND
RSNA SPEAKER RADOJICIC

Classified By: Ambassador Charles English for Reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: The Ambassador met in Banja Luka with Republika Srpska National Assembly (RSNA) Speaker Igor Radojicic on September 16 and Republika Srpska Prime Minister (RS PM) Milorad Dodik on September 17. He discussed with his interlocutors the specter of near-term constitutional reform (CR); Bosnia's prospects for NATO membership; concern about moves to dissolve Transco and the RS Refugee Ministry; the need to abolish the RS Ombudsman; outstanding requirements on Brcko District; and the international secondees to the State Court and State Prosecutor's Office. The Ambassador also met separately with leaders of the Seventh Day Adventist Church in Banja Luka, who presented a more positive view of interethnic and interreligious relationships at the grassroots level. END SUMMARY.

Constitutional Reform

¶2. (C) The Ambassador told Radojicic and Dodik that the USG and the Europeans hope to find a mutually acceptable solution with all parties and ethnic groups. Successfully launching constitutional reform (CR), he noted, would aid in Bosnia's transition from OHR to EUSR, although he stipulated that CR will not be a new transition requirement. He said that the USG expects the parties to lead the negotiations, though he added that the USG has had a strong stake in Bosnia for the past 15 years and, as such, has a role to play in moving the country forward. He noted that the USG is still thinking through the specifics of our proposal but that he wanted to reiterate the importance of this issue to the USG.

¶3. (C) Radojicic repeated his comment to DAS Jones and EU Council Advisor for South Central Europe Zoltan Martinusz that the political environment is not conducive to CR, as parties are not communicating. Moreover, he said, the election campaign has informally begun, which will ensure an increase in radical rhetoric over the next year. He also complained that Party for Democratic Action (SDA) President Sulejman Tihic is not a constructive partner, as his reelection as SDA leader and accolades from Vice President Biden in May have made him more rigid in his position, rather than more flexible. He opined that Tihic is now trying to secure votes from the more hardline Bosniak electorate, which is what sparked his pullout from Prud. Radojicic acknowledged that some reforms could take place now--for example, the structure, election, and maybe some competencies of the Presidency and Parliament--but added that we will surely lose if we try to accomplish too much too soon. He stressed that the process must be transparent and locally-owned; take place entirely within the Parliament, perhaps through a standing or ad hoc

committee; and include opposition parties as well as the "core three." The Ambassador acknowledged to Radojicic that any CR process must have parameters and limits, to include respect for Bosnia's internal and external territorial integrity, including the two-entity structure, as well as the entity voting system to ensure checks and balances.

¶4. (C) Dodik spoke less about CR than Radojicic, saying only that the RS, as a signatory to Annex Four--rather than individual parties--would negotiate on CR. He added that only small steps, "maybe in the Presidency," would be plausible in the coming months, but that the RS is ready to discuss next steps.

NATO Membership

¶5. (C) Radojicic cautioned that we should not link CR with NATO accession, as popular support for NATO is tenuous at best and partisan support is dropping. He conveyed his dismay with the fact that the NATO Secretary General deemed Bosnia's defense reforms to be unacceptable for the country's progress toward membership. The Ambassador replied that NATO is first and foremost a political, not military, organization and has the right to expect its prospective members to be able to carry out the functions of membership. The Ambassador said that representatives at the North Atlantic Council must be able to deliver decisions of their government quickly, which Bosnia--thanks to its Tri-Presidency consensus requirements--currently cannot do. He noted that although the USG does not support a complete change in the Constitution's system of checks and balances, it may be

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reasonable to ask for some issues, such as those related to Euro-Atlantic integration, to be exempt from entity voting. He added that the USG is not in a position within NATO to unilaterally push a country forward for membership, although he said that the USG--as exemplified in our leadership in Operation Combined Endeavor--is actively helping Bosnia in its efforts to become a member of the Alliance.

¶6. (C) The Ambassador also discouraged Radojicic from pursuing a referendum on NATO membership, stressing that such a move would be an invitation for demagoguery. He said that the response BiH gave Serbian former PM Vojislav Kostunica when he suggested a referendum on NATO in the RS earlier this year--"thank you, but this is a local issue"--was appropriate, as a referendum on NATO could easily spark an unnecessary emotional reaction. Radojicic warned that NATO could become a campaign topic, especially if BiH is not accepted for MAP by the December deadline, and even more so if NATO is tied to CR. The Ambassador replied that the USG discouraged BiH's earlier application for MAP because Washington felt it was premature and that he does not think the NAC's view has changed. He further urged Radojicic to do all in his power to avoid allowing NATO to be cast negatively in the election campaign.

Transco

¶7. (C) The Ambassador raised Transco with Dodik, noting with dismay that the Managing Director has proposed to dissolve the company effective September 20. Such a move, he stressed, would not be received well in Washington or Brussels. He encouraged Dodik, as a major stakeholder and board member in Transco, not to let this happen. Dodik replied that he would meet with Federation PM Mustafa Mujezinovic at the beginning of next week, adding that he is awaiting Mujezinovic's response to his invitation. He expressed disappointment that the mandate of the Director will soon expire, noting that he and Mujezinovic's predecessor, Nedžad Brankovic, had a "reasonable agreement" on Transco. The Ambassador encouraged Dodik to engage constructively with Mujezinovic next week.

RS Refugee Ministry

18. (C) The Ambassador told Radojicic and Dodik that it would be a serious mistake to dissolve the RS Refugee Ministry. He stressed that the Ministry has an important role to play for both practical purposes and perception, as RS citizens and returnees need evidence that their government is paying attention to this issue. He added to Dodik that his meeting last week in Mostar with the Orthodox Priests at the ruins of the local orthodox cathedral highlighted their efforts to bring Serbs back to the Mostar area as well as the sensitivity of this issue on both sides of the Inter-entity Boundary Line. Radojicic said that the SNSD Main Board agrees that refugees are a "heavily politicized tool." Dodik told the Ambassador that the RS would like to transfer the responsibilities of the Ministry to a Secretariat, thereby creating space to establish an Energy Ministry, as the RS can have only a limited number of Ministries. Dodik added that the Refugee Ministry employs 140 people, while only 16 people deal with energy, an imbalance that he believes needs to be corrected. He further stated that the proposal to dissolve the Refugee Ministry is not a final government position, but rather the view of one political party (Alliance of Independent Social Democrats--SNSD). The Ambassador reiterated his view that any action to threaten the Ministry would be a serious mistake.

RS Ombudsman

19. (C) The Ambassador stressed to Radojicic that he hopes that legislation to dissolve the RS Ombudsman's office and cede its responsibilities to the state level will pass. Radojicic replied that the legislation has been put into procedure at least three times, but the problem is that the entity Constitutions, as well as the state Constitution, provide for entity-level Ombudsmen. He noted that the Federation pledged to abolish its Ombudsman if and when the RS did the same, but the Federation has not yet changed its Constitution to reflect this promise. RS leaders, according to Radojicic, believe that there is no constitutional basis

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to abolish the Ombudsman and that reintroducing it into legislative procedure would be fruitless.

Brcko

110. (C) The Ambassador told Radojicic and Dodik that he hopes the RS will quickly resolve the few outstanding issues related to Brcko District, as PDHR Gregorian would like to see Supervision end and Brcko function on its own. Radojicic expressed disappointment with the fact that the constitutional amendment passed in March was insufficient to end Supervision, but he noted that the RS was prepared to cooperate on the other issues. He said that it should not be a problem to resolve the citizenship issue, which RS leaders were prepared to discuss soon. He admitted that he does not know the details on the electricity issue, but he added that regulating Brcko's price of electricity should not be a legislative issue. Debts also should be resolved commercially, not through legislation, he said. The Ambassador replied that the amount of the debts are modest--five million KM from the RS, and four million from the Federation. Radojicic stressed that "in this economy, every KM matters." Dodik echoed Radojicic's comment that electricity is a commercial, not legislative, issue, but that the RS is prepared to give Brcko electricity at the current price. Like Radojicic, he expressed annoyance with the fact that Brcko remains on the agenda, to which the Ambassador replied that it is in everyone's interest to resolve these issues quickly.

¶11. (C) Radojicic and Dodik both raised the question of extending the mandate of the international secondees to the State Prosecutor's Office and the State Court. Dodik stated clearly that he will accept no extension of the secondees beyond those responsible for war crimes at the appellate level. He added that the RS would not accept any imposition of their extension by the HighRep and that we "should know that now so that there are no surprises." He complained that the secondees have engaged in "too much abuse." The Ambassador replied that when the secondees were brought in, they were supposed to be phased out this year with local judges and prosecutors poised to replace them. He said that the Council of Ministers has not allocated the necessary resources to make that happen. Dodik responded that if he had known that the internationals would behave as they have when the original decision was made on secondees, he and SNSD would never have supported them in the beginning. He added that the BiH budget has had a substantial surplus over the past two years but has not chosen to make local judges and prosecutors a priority.

¶12. (C) Radojicic noted that SNSD is ready to accept a compromise but also said that the RS would reject any proposal to extend the secondees in any area besides war crimes. He expressed concern that the law on secondees that passed on September 16 in its first reading in the House of Representatives would be changed in committee, which has a Bosniak majority. He added that any imposition by the HighRep would be "detrimental to political discussions." The Ambassador replied that the problem is that Bosnia has not developed a set of local judges and prosecutors to replace the secondees, and the funds for the existing judges and prosecutors have been cut. He added that he first raised this issue with Dodik 18 months ago, so our position is not new. Radojicic replied that the funds for all Ministries and departments have been cut, as the economy is struggling.

Dodik's Comments on Markale Market and Tuzla Attacks

¶13. (C) The Ambassador asked Dodik for a one-on-one after the larger meeting. He began by expressing deep concern over the statements Dodik made alleging that Bosniaks had staged "results" of the 1994 and 1995 VRS mortar attacks on the Markale market in Sarajevo and the similar 1995 attack on Tuzla, and were responsible themselves for the loss of those many civilian lives. The Ambassador noted that Washington had rejected such allegations when Radovan Karadzic originally made them in 1995, and continues to condemn such allegations as baseless and provocative. Denying the fact of the attacks was like denying Srebrenica, and those who do so

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would be treated like Holocaust-deniers--at best considered marginal elements, on the lunatic fringe, with a profoundly negative agenda. Noting Dodik's intent to go to Washington in October, the Ambassador told him that continuing such a line would spoil any reception he might otherwise receive. Clearly unhappy, Dodik ended the meeting and saw the Ambassador to the door.

Separately: Adventist Church

¶14. (C) The Ambassador met separately with the leaders of the Banja Luka Seventh Day Adventist Church, who warmly welcomed his visit, saying that it highlights the need to protect the rights of smaller religious communities. They stressed to the Ambassador that they have a strong relationship with local governments and other religious communities throughout the country, as well as with the Adventists in the U.S. They noted that they have had some problems in recent years with vandalism of their property but

that the local Chief of Police has been very helpful in pursuing those involved. They added that they have had no problems with the construction of or paperwork processing for their churches.

ENGLISH